

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Brian Leonard,	:	Case No. 1:09CV1229
	:	
Plaintiff	:	Judge Christopher Boyko
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
Unite Here Local, 171,	:	AMENDED REPORT AND
	:	RECOMMENDED DECISION
Defendant	:	

The plaintiff has filed a “Motion For Judgement On The Pleadings [sic]” (Doc. #11).

Rule 12(c) of the Federal Rules of Civil Procedure provides that “After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.”

This Court has just granted the defendant until September 24, 2009 to file an answer. This being so, the pleadings are not closed, and plaintiff’s motion is plainly premature.¹

It is, accordingly, recommended that plaintiff’s motion be denied.

s/DAVID S. PERELMAN
United States Magistrate Judge

DATE: August 26, 2009

¹In addition, the motion does not reflect that the plaintiff is entitled to judgment in his favor as a matter of law, the standard applicable to a Rule 12(c) motion.

OBJECTIONS

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).